

AMENDED IN SENATE APRIL 24, 2008

**SENATE BILL**

**No. 1166**

---

**Introduced by Senator Cox**

February 7, 2008

---

*An act to amend Sections 10506, 10507, and 10514 of the Fish and Game Code, to amend Section 10514 of, to add Sections 10844 and 10845 to, and to repeal and add Article 3 (commencing with Section 10820) of Chapter 2 of Division 7 of, the Fish and Game Code, relating to game refuges.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Cox. Game refuges.

~~Existing law requires a person to provide notice to the Department of Fish and Game prior to traveling through a game refuge on a route other than a public highway or thoroughfare if the person is in possession of firearms or other specified devices, and also prohibits a person who provides that notice from openly transporting any bird or mammal, or part thereof, through a game refuge if the bird or mammal was lawfully taken outside the refuge.~~

~~This bill would delete the advance notice requirement prior to travel through a game refuge and would prohibit any person from transporting the bird or mammal, or any part thereof, through a game refuge.~~

~~Existing~~

~~(1) Existing law permits all officers and employees of the department and all game wardens to enter a game refuge in performance of their duties.~~

~~This bill would add a provision permitting law enforcement officers to enter a game refuge while in the performance of their duties.~~

(2) Existing law enumerates 21 specific game refuges, and describes their boundaries, including the California Sea Otter and Farallon Islands refuges.

This bill, as of January 1, 2011, would repeal and reenact the provisions enumerating and describing those game refuges, retaining only the California Sea Otter and Farallon Islands refuges.

~~Under existing law, violation of these provisions is a crime. By changing the definition of an existing crime, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~*no*.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 10506 of the Fish and Game Code is~~  
2     ~~amended to read:~~

3     ~~10506. Nothing in this code prohibits the possession of~~  
4     ~~firearms, BB devices as defined in subdivision (g) of Section 12001~~  
5     ~~of the Penal Code, crossbows and bolts, or bows and arrows by~~  
6     ~~persons when traveling through any game refuges when the~~  
7     ~~firearms are taken apart or encased and unloaded and the bows are~~  
8     ~~unstrung or stored separately from any arrow or bolt.~~

9     ~~SEC. 2. Section 10507 of the Fish and Game Code is amended~~  
10    ~~to read:~~

11    ~~10507. It is lawful for any person to transport any bird or~~  
12    ~~mammal, or part thereof, through a game refuge, if lawfully taken~~  
13    ~~outside the refuge, and if the bird or mammal or part thereof is~~  
14    ~~carried openly and during the time between one hour before sunrise~~  
15    ~~and one hour after sunset.~~

16    ~~SEC. 3.~~

17    ~~SECTION 1. Section 10514 of the Fish and Game Code is~~  
18    ~~amended to read:~~

19    ~~10514. All state game refuges shall, for all purposes of~~  
20    ~~protecting birds, mammals, fish, or amphibia thereon, be under~~  
21    ~~the control and management of the department, and the officers~~

1 and employees of the department, all game wardens, and law  
2 enforcement officers may at all times enter in and upon such  
3 refuges in the performance of their duties.

4 SEC. 2. Article 3 (commencing with Section 10820) is added  
5 to Chapter 2 of Division 7 of the Fish and Game Code, to read:

6  
7 Article 3. Game Refuges  
8

9 10820. The districts described in this section are game refuges:

10 (a) The California Sea Otter Game Refuge: all that portion of  
11 Monterey and San Luis Obispo Counties between Carmel River  
12 on the north and Santa Rosa Creek on the south, lying west of the  
13 Monterey-Cambria Pines Highway, also known as California  
14 Highway No. 1.

15 (b) (1) The Farallon Islands Game Refuge: the Southeast  
16 Farallons, including Maintop Island, Middle Farallon, the North  
17 Farallons, Noonday Rock, and the waters lying around each island  
18 within one nautical mile from the coastline of each island.

19 (2) Section 10513 does not apply in the refuge described in this  
20 subdivision.

21 (3) Notwithstanding Section 10500, a person on a commercial  
22 vessel may possess an unloaded firearm when traveling through  
23 the navigable waters of the refuge described in this subdivision.

24 (4) Notwithstanding Section 4500, fishermen shall not take any  
25 seal or sea lion while in the refuge described in this subdivision.

26 10821. This article shall become operative January 1, 2011.

27 SEC. 3. Section 10844 is added to the Fish and Game Code,  
28 to read:

29 10844. (a) The department shall undertake appropriate  
30 education and outreach regarding the current location of existing  
31 game refuges, agency contacts for statutory notices in Sections  
32 10506 and 10507, and the changes in state law made by Senate  
33 Bill 1166 of the 2007–08 Regular Session of the Legislature. The  
34 department shall provide an opportunity for information and  
35 comment and improve existing notification procedures, including,  
36 but not limited to, Internet Web site posting of game refuge  
37 boundary maps, availability of game refuge maps in paper format,  
38 Internet Web site contact information for notices, and regional  
39 workshops.

1     **(b)** *The department, on or before January 1, 2011, shall prepare*  
2 *and submit to the Legislature a description of the public education*  
3 *and outreach effort undertaken pursuant to subdivision (a), and*  
4 *a summary of any information provided by the public that is*  
5 *relevant to the changes in state law made by Senate Bill 1166 of*  
6 *the 2007–08 Regular Session of the Legislature.*

7     **SEC. 4.** *Section 10845 is added to the Fish and Game Code,*  
8 *to read:*

9     **10845.** *This article shall remain in effect only until January 1,*  
10 *2011, and as of that date is repealed, unless a later enacted statute,*  
11 *that is enacted before January 1, 2011, deletes or extends that*  
12 *date.*

13     ~~**SEC. 4.** No reimbursement is required by this act pursuant to~~  
14 ~~Section 6 of Article XIII B of the California Constitution because~~  
15 ~~the only costs that may be incurred by a local agency or school~~  
16 ~~district will be incurred because this act creates a new crime or~~  
17 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
18 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
19 ~~the Government Code, or changes the definition of a crime within~~  
20 ~~the meaning of Section 6 of Article XIII B of the California~~  
21 ~~Constitution.~~